

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

LISA TROUT,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 3:14-CV-49-HSM-CCS
	)	
KNOX COUNTY BOARD OF EDUCATION,	)	
	)	
Defendant.	)	
	)	

**MEMORANDUM AND ORDER**

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and Standing Order 13-02.

Now before the Court is a Motion to Intervene [Doc. 18] filed by the State of Tennessee. In its motion, the State of Tennessee moves the Court to permit it to intervene in this action for the limited purpose of defending the constitutionality of a state statute and rule.

On January 13, 2015, the Plaintiff filed a Notice of Constitutional Question in this case. [Doc. 17]. On January 15, 2015, the Attorney General for the State of Tennessee received Plaintiff's notice stating that she intends to challenge the constitutionality of Tenn. Code Ann. § 49-1-302(d) and State Board of Education Policy 5.201. Rule 5.1(c) of the Federal Rules of Civil Procedure provides that the Attorney General may intervene within sixty days after notice is filed, and 28 U.S.C. § 2403(b) directs that the Court "shall permit the State to intervene."

The Court has reviewed the Plaintiff's Notice and has considered the State's basis for intervening, and the Court finds that the request to intervene is well-taken pursuant to Rule 5.1 of the Federal Rules of Civil Procedure.

Additionally, the Court finds that no party has responded in opposition to the State's request, and the time for doing so has expired. See E.D. Tenn. L.R. 7.1.; Fed. R. Civ. P. 5, 6. The Court may treat the lack of timely response as acquiescence to the relief sought. See E.D. Tenn. L.R. 7.2.

Based upon the foregoing, the Court finds that the Motion to Intervene [**Doc. 18**] is well-taken, and it is **GRANTED**. The State may file its answer or other appropriate pleading on or before **March 23, 2015**.

**IT IS SO ORDERED.**

ENTER:

s/ C. Clifford Shirley, Jr.  
United States Magistrate Judge